

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment – PRES – Sri K. Saibaba, Retired in-charge Superintending Engineer (PR) – Request for pay fixation in RPS., 1978, 1986, 1993 and 1999 – Regularization of leave for the period from 29.11.1985 to 07.08.1986 and from 24.09.1988 to 27.01.1999 – Sanction of EOL on Private Affairs – Relaxation of Rules – Relaxed – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (ESTT.III) DEPARTMENT

G.O. Rt.No. 1896

Dated:18.12.2008.

Read the following:-

1. G.O.Rt.No.508, PR & RD (ESTT.III) Department, dt.18.04.2001.
2. Govt. Memo.No. 2921 / Estt.III / A1 / 2006-2,dated:05.07.2006.
3. Govt. Memo.No. 2921 / Estt.III / A1 / 2006-3, dated:08.05.2008
24.07.2008 and 03.10.2008.
4. From the APAT., interim orders in O.A.No.9055/2008,
dt.17.11.2008.
5. From the Engineer-in-Chief, Panchayat Raj, Hyderabad, letter
No..G.2/11878/03, dt.06.09.2008 and 13.11.2008.

ORDER:

In the reference 1st read above, orders were issued dropping further action against Sri K.Saibaba, Deputy Executive Engineer (PR) and also to treat the period absence from 24.09.1998 to 27.01.1999 as leave for which the individual is eligible.

2. In the reference 2nd read above, instructions were issued to the Engineer-in-Chief, Panchayat Raj, Hyderabad to count the Extra-ordinary Leave availed on Medical Grounds by Sri K.Saibaba, Deputy Executive Engineer during the period from 29.11.1985 to 07.08.1986 and from 24.09.1988 to 27.01.1999 for the purpose of sanction of due increments in terms of FR.26 (b) (ii).

3. It is noticed that the above orders / instructions are against to the rules / instructions exist at that time. As per the instructions exist, the period of unauthorized absence has to be treated as dies-non in accordance with the Notes-I under F.R.18 and Rule-5-A of Andhra Pradesh Leave Rules, 1933. This treatment of unauthorized absence as 'dies-non' is distinct from disciplinary action taken or to be taken against

(PTO)

the employee concerned. As per Rule – 5 A of A.P. Leave Rules, 1933, unless the Government in view of the exceptional circumstances of the case otherwise determine, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

4. In view of the instructions and rules in vogue, the Engineer-in-Chief, Panchayat Raj, Hyderabad was requested to furnish the attested copy of Passport and medical certificate for the period from 24.09.1988 to 21.09.1998 and original medical certificate for the period from 2.09.1998 to 27.01.1999 in respect of Sri K.Saibaba, In-charge Superintending Engineer (Retired) for further examination, since the issue involves with the relaxation of rules.

5. In the reference 4th read above, the Hon'ble A.P. Administrative Tribunal, Hyderabad in its interim orders have directed the respondents to release all the increments and fix the pay scales and pay scales and pay the same, if there are no proceedings pending against him and if there are no orders to stop them by 17.11.2008.

6. In the reference 5th read above, the Engineer-in-Chief, Panchayat Raj, Hyderabad has furnished the relevant attested certificates and requested the Government to issue necessary orders; in order to regularize the leave period and for pay fixation.

7. Government have examined the matter; keeping in view the report of Engineer-in-Chief, Rules, instructions and attested certificates and medical certificates. It is observed that the period of unauthorized leave to be regularized is too long ie., from 29.11.1985 to 07.08.1986 and from 24.09.1988 to 27.01.1999. Rule 5A allows only 5 years in exceptional cases. The medical certificates do not support the genuineness of leave applied for by the incumbent. In view of the interim orders of APAT., and rules in force, it is decided to relax rule 5 (A) of Andhra Pradesh Leave Rules, 1933 in favour of Sri K.Saibaba, Retired in-charge Superintending Engineer; in order to regularize the unauthorized leave period from 29.11.1985 to 07.08.1986 and from 24.09.1988 to 27.01.1999 as leave on Private Affairs.

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8. Government after careful examination of the matter, hereby relax rule 5 (A) of A.P. Leave Rules, 1933 in favour of Sri K. Saibaba, Retired in-charge Superintending Engineer; in order to regularize the unauthorized leave availed during the period from 29.11.1985 to 07.08.1986 and from 24.09.1988 to 27.01.1999 as leave on Private Affairs, as a special case and this case shall not be referred as precedent case in future.

9. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary action in the matter, accordingly.

10. This order issues with the concurrence of Finance (PC.I) Department vide their U.O.No.4958/235/A1/PC.I/2007, dt.16.06.2007.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHITRA RAMCHANDRAN,
SECRETARY TO GOVERNMENT.**

To
The Engineer-in-Chief, Panchayat Raj, Hyderabad.
The individual concerned (**Thro: the ENC., PR., Hyderabad**)
The Director of Treasuries & Accounts, AP., Hyderabad.
The Pay & Accounts Officer concerned.

Copy to:

The PS to Minister (Panchayat Raj)
The Finance (PC.I) Department.
The Government Pleader for PR., APAT., Hyderabad.
SF/SC.

// FORWARDED::BY ORDER//

SECTION OFFICER